

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOSEPHINE SWARTZ,)
Plaintiff) Civil Action
vs.) No. 11-cv-01142
TEACHERS INSURANCE AND ANNUITY)
ASSOCIATION - COLLEGE)
RETIREMENT EQUITIES FUND,)
doing business as TIAA-CREF,)
Defendant)

* * *

JOSEPHINE A. SWARTZ,)
Plaintiff) Civil Action
vs.) No. 11-cv-01094
LEHIGH UNIVERSITY,)
Defendant)

O R D E R

Now, this 30th day of March, 2012, upon consideration
of the following documents:

- (1) Motion to Dismiss filed by defendant Lehigh University on May 26, 2011 (Document 12), together with a Memorandum in Support of Motion to Dismiss (Document 12-1);
- (2) Answer to Motion to Dismiss filed by plaintiff on August 31, 2011, together with Plaintiff's Brief in Opposition to Defendant Lehigh University's Motion to Dismiss (Document 25);
- (3) Reply Memorandum to Plaintiff's Opposition to Motion to Dismiss, which memorandum was filed by defendant Lehigh University on September 21, 2011 (Document 27); and

(4) Amended Complaint filed by plaintiff on March 24, 2011, together with Exhibits A-H (Document 7);

and for the reasons articulated in the accompanying Opinion,

IT IS ORDERED that defendant's motion to dismiss is granted.

IT IS FURTHER ORDERED that Count I of the Amended Complaint is dismissed with prejudice.

IT IS FURTHER ORDERED that the Amended Complaint is dismissed without prejudice for plaintiff to file a Second Amended Complaint in accordance with the accompanying Opinion.

BY THE COURT:

/s/ James Knoll Gardner
James Knoll Gardner
United States District Judge